

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Donovan

Serial Number: 10/663,041

Filed: 09/15/2003

For: SURFACE TOPOGRAPHY
METHOD FOR DETERMINING
EFFECT OF A BOTULINUM
TOXIN UPON A MUSCLE

Examiner: SWEET, Thomas

Art Unit: 3738

Confirmation No. 1670

Irvine, California

RESPONSE TO OCTOBER 27, 2006 FINAL OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**This response to the October 27, 2006 Final Office Action
includes a Terminal Disclaimer.**

I. The Office Action

The October 27, 2006 Final Office Action (the "Office Action") in this application rejected claims 1-21 on the ground of nonstatutory obviousness-type double patenting.

Applicants respond as follows.